

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 14, 2007

The Peace Officer Standards and Training Board held its 360th Board meeting at the Larimer County Sheriff's Office in Fort Collins, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF HEATHER A. COOGAN
SHERIFF JAMES FAULL
COMMISSIONER SARA J. FISHER
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
CORPORAL CURTIS MORENO
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
EXECUTIVE DIRECTOR PETER WEIR
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
SHERIFF JAMES BEICKER (excused)
CHIEF JOHN PATTERSON (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/Training Manager
CRISTINE MACK, P.O.S.T. Investigator
MARY O'SHEA, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
MINER BLACKFORD, Otero Junior College
STEVE CHAGOLLA, Denver Police Department
CORY CHRISTENSEN, Fort Collins Police Department
MICHELLE COLE, Citizen
COREY COMPTON, Colorado Springs Police Department
ROD CONNER, Colorado Northwestern Community College
DEAN CURD, County Sheriff's of Colorado
RODGER C. DALEY, Attorney
MARC DIREZZA, Lakewood Police Department
BOB FALCONE, El Paso County Sheriff's Office / CFEI
JOE FERRARO, Denver Police Department
ERIC GONZALES, Pueblo Police Department
EVA GRAZIANO, Red Rocks Community College
PAUL GREGORY, Adams County Sheriff's Office
ERIC HARTSOUGH, Department of Revenue / Auto Industry Division
CHRISTOPHER HINES, Colorado Northwestern Community College
SCOTT JARMIN, Brighton Police Department
ED KAFEL, El Paso County Sheriff's Office
RON KAMMERZELL, Department of Revenue
W. LEWIS KOSKI, Colorado Division of Gaming
DONN KRAEMER, Lakewood Police Department
CATHY LABRECQUE, El Paso County Sheriff's Office
AMY LARSON, Public
JOHN MACKEY, Auraria Police Department
LAURA MANNING, Colorado Division of Gaming
KRISTI MCDONALD-QUINTANA, Colorado State Parks
MICHAEL MCINTOSH, Adams County Sheriff's Office
BEN PENICK, Homeland Security / FPS (ICE)
GENE RAGULSKY, Pueblo Police Department
WENDY RICH-GOLDSCHMIDT, U.N.C. Police Department – Greeley
JOE ROY, CU Boulder Police Department
ERIC RUBIN, Denver Police Department
CHUCK SANDERS, El Paso County Sheriff's Office / CFEI
STACI SHAFFER, Larimer County Sheriff's Office
MATTHEW SHAY, Lakewood Police Department
JOEL F. SHULTS, Adams State College
KARL SMALLEY, Adams County Sheriff's Office
TRACEY SMALLEY, Douglas County Sheriff's Office
STEPHEN SMIDT, U.C.D.H.S.C. Police Department
MATT TYNER, Colorado Springs Police Department
RICH WEBB, Jefferson County Sheriff's Office

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The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 14, 2007.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers

Sheriff James Alderden and Chief Dennis Harrison welcomed the Board members and guests to Larimer County and the City of Fort Collins.
2. Introduction of Board Members, Staff, SME Members and Guests, Special Introduction of New Board Members

Attorney General Suthers introduced P.O.S.T. Board members recently appointed by the Governor, Littleton Chief Heather Coogan, Lafayette Chief Paul Schultz, and Eagle County Commissioner Sara Fisher.
3. Special Presentations to Retiring Board Members – Fort Morgan Mayor Jack Darnell and Lakewood Senior Agent Donn Kraemer

Attorney General Suthers recognized Senior Agent Donn Kraemer for his dedication to the P.O.S.T. Board from July 2003 thru June 2007 and service to the Firearms SME Committee on which he will continue to serve.

Attorney General Suthers also recognized the efforts of Fort Morgan Mayor Jack Darnell from June 2004 thru June 2007.
4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum
5. Approval of P.O.S.T. Board Minutes for June 8, 2007
Approved Unanimously

Presentations:

6. Skills Subject Matter Expert Committee Reports
 - A. Arrest Control Sgt. Richard “JJ” Webb, Co-Chairman

Sgt. JJ Webb reported that the committee approved one assistant instructor and rescheduled three inspections before the end of 2007.

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The committee discussed revisions to the 2008 program on how the Academy Directors are complying with the requirements for reporting to P.O.S.T.

- B. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana reported that the committee met three times prior to the Board meeting and approved six full instructors and denied two, approved 75 assistant skills instructors and denied one.

The committee had one inspection with El Paso County and the academy was rated very well.

The committee also approved two new members, Paul Gregory of Adams County Sheriff's Office, and Cory Compton of Colorado Springs Police Department.

The committee is also working on a revision to the Firearms program and will submit the changes to the Board for approval.

- C. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Karl Smalley stated that the committee reviewed the inspection of El Paso County and rated it as exceptional.

The committee reviewed a request for a full instructor for the Colorado Spring Police Department and tabled the request due to documentation of hours.

The committee reviewed and approved the revised lesson plan for Pikes Peak Community College. The committee also reviewed and approved a new driving track for Aurora Police Department and Community College of Aurora. The safety plan for this site was not approved.

Sgt. Smalley reported that the committee will continue to work on revisions to the driving program which will be submitted to the Board for approval.

- D. Curriculum Division Chief Phil Baca, Chairman

Division Chief Baca reported that the committee reviewed topics pertaining to curriculum revisions at the request of some academies. The committee didn't feel that revisions needed to be made and the issues can be added at the academy's discretion.

The committee continues to discuss the rotation of the academic lesson plan and how each block should be administered during the course of the academy. The committee will also continue to work on the evaluation standards for end of academy instructor evaluations.

The committee approved a new member, Dr. Joel Shults, the Director of Public Safety for Adams State College.

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E. Advanced Officer Training

Officer Neal Tyler, Chairman

Officer Neal Tyler reported that the committee is about to complete the Level 2 portion of the Train the Trainer program which should be completed by December.

The committee will also complete the Training Manager program with a completion date of October 16th.

Action Items:

*Due to time constraints, the Board proceeded to action item 8A on the revocation hearing of Amy Larson's Peace Officer certification. Ms. Larson was represented by her Attorney Rodger Daley. The Attorney stated that because Ms. Larson pled guilty to and was convicted of the Class 5 Felony, it does not constitute a conviction because of a deferred judgment.

P.O.S.T. Board Counsel Diane Marie Dash stated that this plea is defined as a conviction because the judgment has not been completed. Ms. Dash also stated that the individual will be eligible to re-apply for P.O.S.T. certification upon completion of the deferred judgment.

Executive Director Weir stated that the Board has the authority to establish rules and both Ms. Dash and Mr. Daley have legitimate claims.

Attorney General Suthers recommended a motion for postponement so that Board Counsel may review and examine claims made by Mr. Daley and to verify, if by legislative authority, Ms. Larson may maintain her certification until the deferred judgment is completed.

Mr. Daley stated that his client is willing to wait until the next P.O.S.T. Board meeting, December 7, 2007 to be held at the Department of Law, for final determination.

Attorney General Suthers called for a motion to defer until the next P.O.S.T. Board meeting.

***Motion made to defer and seconded.
Passed Unanimously.***

7. 2007 P.O.S.T. Sunrise Review Sub-committee Report

Sheriff Jim Alderden
Director Kammerzell

A. 2007 Report to the Board

Sheriff Alderden reported that the committee met with each of the six groups applying for peace officer authority. Sheriff Alderden stated that two of the groups are seeking changes regarding the language in statute, one seeking consolidation and two new applicants seeking authority.

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1. Colorado Department of Revenue Criminal Investigators

The Board approved the concept and wanted the Department of Revenue to consider language similar to the language used in the Bill language introduced for Federal Agents.

Attorney General Suthers stated that the Board would like to view these changes prior to the December 7th Rule Making Hearing.

Sheriff Pele did offer a motion to support the concept and to add the same language as with the Federal Agents in Colorado statute.

Motion made and seconded to approve recommendation.

Passed Unanimously.

2. Colorado Association of Institutional Law Enforcement Directors

Sheriff Alderden stated that this group is requesting a language change to clarify their recognition in the peace officer statutes. The current language in the statute keeps this group from appointing reserve officers, obtaining federal grants and other funds, because the group is defined as Security Officers.

Motion made and seconded to approve recommendation.

Passed Unanimously.

3. Colorado International Association of Arson Investigators

The Colorado Arson Investigators want a change in language to read that Arson Investigators are considered peace officers while performing their duty and that the language should read “Authorized” changing the current reading of “Employed”.

Motion made and seconded to approve recommendation.

Passed Unanimously.

4. Federal Protective Services

Sheriff Alderden stated that the Federal Protective Service would like to be added to the already approved and recognized statute for Federal Agents (Alcohol Tobacco and Firearms and Federal Bureau of Investigation Agents). The Sunrise Review Committee recommends granting them the same authority.

Motion made and seconded to approve recommendation.

Passed Unanimously.

5. School Security Officers – Douglas County Schools Re.1

Sheriff Alderden reported that there were issues involved in the creation of this type of Police Department. He stated there were other remedies to pursue and the committee did not support this application.

Sheriff Alderden stated that the group will not pursue its intentions and the application is considered withdrawn.

8. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder *has been convicted of a felony*, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S. (2005), or, has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No. 07-11, Amy Rebecca Larson, Certification No. B-2519. On July 26, 2007, Respondent pled guilty to and was convicted of one count of Vehicular Eluding, § 18-9-116.5, C.R.S., a class 5 felony. Respondent, through her attorney, has submitted a Response for Order to Show Cause pursuant to P.O.S.T. Board Rule 5.
Per P.O.S.T. Rule 9 – Revocation Hearings for Criminal Conduct, (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305, C.R.S.(2006), or, has otherwise failed to meet the certification requirements established by the Board. For the purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

**** Held over until December P.O.S.T. Board Meeting***

2. No. 07-02(2), Simon Marcus Gunnoe, Certification No. B-8434. On November 13, 2006, Respondent pled guilty to and was convicted of one count of Vehicular Eluding, § 18-9-116.5, C.R.S., a class 5 felony; and pled guilty to and was convicted of 1 count of Child Abuse – Negligently Caused Bodily Injury, § 18-6-401(1) (a), C.R.S., a class 4 misdemeanor. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-02(2) by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Simon Marcus Gunnoe’s Colorado peace officer certificate No. B-8434.

Motion made and seconded to revoke.

Passed Unanimously.

3. No. 07-04, Brian Matthew Schmidt, Certification No. B-09195. On February 20, 2007, Respondent pled guilty to and was convicted of one count of Felony Menacing – Real/Simulated Weapon, § 18-3-206(1) (a), (b), C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-04 by failing to appear at the scheduled

Show Cause Hearing. Director Kammerzell recommends revocation of Brian Matthew Schmidt's Colorado peace officer certificate No. B-09195.

Motion made and seconded to revoke.

Passed Unanimously.

4. No. 07-05, Neil Roy Draper, Certification No. B-01619. On December 11, 2002, Respondent pled guilty to and was convicted of one count of Forgery – Check/Commercial Instrument, § 18-5-102(1) (c), C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-05 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Neil Roy Draper's Colorado peace officer certificate No. B-01619.

Motion made and seconded to revoke.

Passed Unanimously.

5. No. 07-06, Scott Andrew Branam, Certification No. B-09020. On April 13, 2007, Respondent pled guilty to and was convicted of one count of Felony Menacing – Real/Simulated Weapon, § 18-3-206(1) (a), (b), C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-06 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Scott Andrew Branam's Colorado peace officer certificate No. B-09020.

Motion made and seconded to revoke.

Passed Unanimously.

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S. (2005), or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term 'conviction' includes any deferred judgments or deferred sentences imposed by a court or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h) (2005)**.

1. No. M07-11, Anthony Joshua Pamas, Certification Numbers R-1670 and B-01637. On March 6, 2007, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-11. Director Kammerzell recommends revocation of Anthony Joshua Pamas' Colorado peace officer certificate numbers, R-1670 and B-01637.

Motion made and seconded to revoke.

Passed Unanimously.

2. No. M07-12, Eric Leon Bufkin, Certification No. B-4220. On March 28, 2007, Respondent pled guilty to and was convicted of 1 count of Sexual Contact – Peeping Tom, § 18-3-404(1.7), C.R.S., a class 1 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-12. Director Kammerzell recommends revocation of Eric Leon Bufkin's Colorado peace officer certificate No. B-4220.
Motion made and seconded to revoke.
Passed Unanimously.
3. No. M07-13, James Nelson Ziemba, Certification No. 11573. On May 14, 2007, Respondent pled guilty to and was convicted of 1 count of False Reporting – False Information, § 18-8-111(1) (c), C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-13. Director Kammerzell recommends revocation of James Nelson Ziemba's Colorado peace officer certificate No. 11573.
Motion made and seconded to revoke.
Passed Unanimously.
4. No. M07-14, Lance Jeffery Anthony, Certification No. B-00024. On May 18, 2007, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a), C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-14. Director Kammerzell recommends revocation of Lance Jeffery Anthony's Colorado peace officer certificate No. B-00024.
Motion made and seconded to revoke.
Passed Unanimously.

Informational Items:

9. 2007 P.O.S.T. Peace Officer Training Project Sub-committee
Deputy Director Zotos
 - A. Project Update

Deputy Director Zotos reported that to date there has been 113,000 hours of training provided to about 7,100 officers throughout the state.

Deputy Director Zotos referred to a handout given to the Board members showing a breakdown of training for all regions, agencies, and also by popular courses offered. He stated that since the implementation of the grant there has been about 330,000 total hours of training provided to peace officers in Colorado.
10. 2008 Rules Hearing and Manual Review Director John Kammerzell
 - A. December 7, 2007, Colorado Department of Law

Director Kammerzell stated that this meeting may take some time, and that he will provide the Board members with these changes prior the meeting for review.

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11. New Board Member Orientation Presentation and September 13th Work Session
Discussion Director John Kammerzell

A. October 17, 2007 at the Department of Law

Director Kammerzell reported that the new Board Members were introduced during the work session, and were informed of ongoing issues, new legislation, and P.O.S.T. budget.

Director Kammerzell stated the main topic of discussion was related to going back to the Legislature to seek additional funding to support law enforcement training.

Attorney General Suthers stated he supports the Board pursuing a 25 cent fee increase and should get the process started quickly.

Motion made and seconded to move forward.

Passed, with Executive Director Weir abstaining.

Director Kammerzell requested the new Board members and others interested in participating in the orientation to contact him with dates of availability.

12. P.O.S.T. Peace Officer Records Conversion Project Director John Kammerzell

A. Project Report

Director Kammerzell stated that P.O.S.T. is working with the Department of Personnel and Administration to accomplish a conversion of databases to complete the records conversion process. This process will eliminate the thousands of hard copy files kept with P.O.S.T.

13. Racial Profiling Internet Training Project Director Kammerzell

A. P.O.S.T. ID Cards

Director Kammerzell reported the completion of the contract to move forward with purchases of the actual ID cards and hardware. He said posters will be made announcing that these unique identification cards are available to the officer for training purposes.

B. Colorado Regional Community Policing Institute (CRCPI) Project

1. 8-Hour Supervisor's Course

Director Kammerzell stated that the contract with CRCPI will be completed within the next two weeks in regard to the Supervisor's course.

C. Anti-Bias Internet Training Project

Director Kammerzell reported that the Anti-Bias online training project is currently on schedule.

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14. Comments from others

Public Member Pence stated that there may be some changes to HR-218 Retired Peace Officer Carry Permit. Director Kammerzell stated there are two pieces of legislation being introduced in Washington and the Board will be watching for any changes.

Officer Tyler stated that Central Mountain Training Foundation may be looking into developing a Counter Terrorism / First Responder Training Center for law enforcement officers. Officer Tyler asked the Board members for a letter of support to bring this type of training to Colorado.

Director Weir asked Officer Tyler to coordinate with Homeland Security on this, as well.

Attorney General Suthers called for a motion to support Central Mountain's effort in obtaining Federal funding for this training center.

***Motion made and seconded to support.
Passed Unanimously.***

**Next P.O.S.T. Board Meeting (10:00 a.m.) / S.M.E. Meetings (8:00 a.m.)
Friday, December 7, 2007
Colorado Department of Law
1525 Sherman Street, Room 243
Denver, CO 80203**